

RECEIVED
**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

DEPRA F. RACHAEL DICK
U.S. DISTRICT JUDGE
MIDDLE DISTRICT ALA

V.

◊ Case Number: 2:06-cr-169-WKW

CECILIO PACACHE
Defendant

◊
◊
◊

DEFENDANT'S MOTION TO CONTINUE

COMES NOW Defendant Cecilio Pacache, by and through his undersigned counsel, respectfully moving this Honorable Court to continue the above-named matter. As support, Defendant Pacache declares as follows.

This Court conducted a pretrial conference on this case on September 28, 2007. Subsequently, on October 1, 2007, this Court scheduled a change-of-plea hearing for October 22, 2007.

Defendant Pacache's undersigned counsel has since invested considerable time in researching this case. However, inasmuch as Defendant has been the last of the 16 co-defendants to be arrested, and as his counsel has been involved in his representation for several months less than his colleagues, and as counsel has been hampered by the difficulties inherent in representing a client who lives in California, Defendant has not been able to conclude plea negotiations with the United States.

Defendant Pacache's undersigned counsel has spoken with the United States Attorney's Office. They have agreed to support this motion. Independent of the above, Defendant Daniel's undersigned counsel has been scheduled for surgery on his right hand on Thursday, October 25, 2007.

WHEREFORE, for the foregoing reasons, Defendant Cecilio Pacache petitions this Honorable Court to **GRANT** a continuance in this case. This relief will serve the cause of justice, and will not prejudice the United States of America.

RESPECTFULLY SUBMITTED THIS 22ND DAY OF OCTOBER, 2007



I.M. (Mike) Winter, Jr. (WIN036)
Attorney For Mr. Cecilio Pacache

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CERTIFICATE OF SERVICE

I hereby certify that I have served this motion, by in-hand delivery to Ms. Clark Morris, Esquire, Assistant United States Attorney, or to his designee at the United States Attorney for the Middle District of Alabama's Office, located at 131 Clayton Street; Montgomery, Alabama 36104.

DONE THIS 22nd DAY OF OCTOBER, 2007



I.M. (Mike) Winter, Jr. (WIN036)
Attorney For Mr. Cecilio Pacache